

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## APPEALS

Friday, April 29, 2022  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

---

### AGENDA

---

**CALL TO ORDER** ..... **Commission's Chair, Chairman Russell**  
**ROLL CALL** ..... **Presiding Appellate Officer, Commissioner Tilly**  
**BUSINESS** ..... **Presiding Appellate Officer, Commissioner Tilly**

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION**

**A. MINUTES:**

- The drafted Minutes of the Special Appeals Meeting of March 25, 2022 will be considered for approval.

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

The hearings before the Commission en banc will be conducted pursuant to the authority and jurisdiction of the Administrative Workers' Compensation Act, Title 85A O.S. § 1 et seq., and the Workers' Compensation Commission's Permanent Rules, OAC 810. The Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side will be allowed ten (10) minutes for oral arguments.
- The appellant will present first. Appellant may divide his or her ten minutes for argument, allowing a portion of that time for rebuttal.
- Both parties are subject to questioning by Commissioners.

1. **Damen Cox v. TPI Staffing Service Inc. and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2020-06868L**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney is the attorney of record for the Claimant and Robert A. Manchester is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. **Tanya Theis v. MITF, File #CM3F-2016-06883Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Jack G. Zurawik is the attorney of record for the Claimant and Stefan Wenzel is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. **J. Asuncion (Soto) Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM3-2015-08100F**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Arthur H. Adams, Bret A. Unterschuetz, and Taylor K. Weder are the attorneys of record for the Claimant. Heather A. Lehman-Fagan is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

4. **Shari M. Tyson v. Muskogee Nursing Center and Liberty Mutual Insurance Co., File #CM3-2018-05336Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant is representing herself; pro se. Leah P. Keele and Bert M. Kendrick are the attorneys of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. **Dan McCoy v. MITF, File #CM3F-2019-06635F**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann is the attorney of record for the Claimant and Stefan Wenzel is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. **Rita Morales v. Walmart Stores Inc. and Walmart Associates Inc. (OWN RISK), File #CM3-2015-07958X**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Rich S. Toon Jr. is the attorney of record for the Claimant and Jordan S. Ensley is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. **Tracy Minor v. Hobby Lobby Stores Inc. and Indemnity Insurance Co. of North America, File #CM3-2020-05570X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joseph C. Biscone II is the attorney of record for the Claimant and James C. Ferguson is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the

Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**8. Margo Johnston v. Spirit Aerosystems Inc. and The Insurance Co. of the State of Pennsylvania, File #CM3-2018-04824J**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Susan H. Jones is the attorney of record for the Claimant and Travis A. Fulkerson is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**C. Commission Consideration of Adoption of Final Order in the Following Cases:**

**1. Earl Appleberry v. Western Flyer Express LLC and United States Fire Insurance Co., File #CM3-2019-07029Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy Kent appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission ordered additional briefing and continued the matter.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**2. John Rosson v. Roundtree Automotive Group LLC and State National Insurance Co., File #CM3-2019-03668K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant. Blake Farris appeared for the Respondent.

This case came on for Oral Argument on December 17, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**3. Ray McGlocklin v. Jernigan's Sporting Goods Inc., File #CM3-2020-01803F**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert is the attorney of record for the Claimant. Timothy E. Lurtz and Cathy C. Barnum are the attorneys of record for the Respondent.

This case came on for Oral Argument on January 28, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**ADJOURNMENT.....Presiding Appellate Officer, Commissioner Tilly**